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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

69/187. Migrant children and adolescents

The General Assembly,

Recalling all relevant instruments, including the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[3] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[4] the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Vienna Convention on Consular Relations,[7] the Convention on the Rights of Persons with Disabilities,[8] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9] the 1951 Convention relating to the Status of Refugees[10] and the 1967 Protocol thereto,[11] and the Minimum Age Convention, 1973 (No. 138)[12] and the Worst Forms of Child Labour Convention, 1999 (No. 182)[13] of the International Labour Organization,

Taking into account general comment No. 6 (2005) of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 2171, No. 27531.
[4] Ibid., vol. 2237, No. 39574.
[5] Ibid., vol. 2241, No. 39574.
[6] Ibid., vol. 660, No. 9464.
[7] Ibid., vol. 596, No. 8638.
[8] Ibid., vol. 2515, No. 44910.
[9] Ibid., vol. 2220, No. 39481.
[10] Ibid., vol. 189, No. 2545.
[11] Ibid., vol. 606, No. 8791.
[12] Ibid., vol. 1015, No. 14862.
[13] Ibid., vol. 2133, No. 37245.

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outside their country of origin,[14] and taking note of the general discussion of the Committee in 2012 on the rights of all children in the context of international migration,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of migrants and Commission on Population and Development resolution 2013/1 of 26 April 2013, entitled "New trends in migration: demographic aspects",[15] as well as the Declaration of the High-level Dialogue on International Migration and Development, adopted on 3 October 2013,[16]

Recognizing the serious humanitarian situation in some regions related to mass migration of accompanied and unaccompanied children, including adolescents, defined as those under 18 years of age, or those separated from their parents, who face vulnerable situations by attempting to cross international borders without the required travel documents,

Concerned by the fact that migrant children, including adolescents, in particular those in an irregular situation, may be exposed to serious human rights violations and abuses at various points in their journey, which can threaten their physical, emotional and psychological well-being in the countries of origin, transit and destination, and that many irregular migrant children, including adolescents, may not be aware of their rights and may be exposed to crimes and human rights abuses committed by transnational criminal organizations and common criminals, including theft, kidnapping, extortion, threats, trafficking in persons, including forced labour, child labour, sexual abuse and exploitation, physical harm and death,

Underlining the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the context of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

Aware that the migration of accompanied and unaccompanied children, including adolescents, may be the result of diverse causes and factors, such as poverty, crisis situations, lack of social and economic opportunities in their communities of origin, the death of one or both parents, the search for family reunification, all forms of violence and lack of personal safety,

Recognizing that undocumented and unaccompanied migrant children, including adolescents, should be promptly placed in the least restrictive setting, for the shortest possible period of time, that is in the best interest of the child and respects their human rights,

Encouraging States to adopt alternatives to detention that take into account the best interests of the child, as a primary consideration, and respect the human rights of migrant children, including adolescents,

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[14] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 41* and corrigendum (A/61/41 and Corr.1), annex II.

[15] See *Official Records of the Economic and Social Council, 2013, Supplement No. 5* (E/2013/25), chap. I, sect. B.

[16] Resolution 68/4.

Reaffirming that, when exercising their sovereign right to enact and implement migration and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect of the human rights of migrant children, including adolescents,

Reaffirming also the fact that all migrant children, including adolescents, are entitled to equal protection by the law and that all persons, regardless of their migration status, are equal before the courts and tribunals and, in the determination of their rights and obligations in a suit at law, are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law,

Aware that the risks related to irregular migration faced by children, including adolescents, can have a negative impact on the enjoyment of their economic, social and cultural rights, as well as their political and civil rights and their rights as set forth in the Convention on the Rights of the Child,

Recognizing that States, in accordance with their obligations under international law, are responsible for promoting and protecting the human rights and fundamental freedoms of all migrants, regardless of their migration status, including accompanied and unaccompanied children, including adolescents, within their territorial jurisdiction, and encouraging States to promote national child and adolescent protection systems, in consultation with all sectors of society, including migrant communities, civil society organizations and other relevant actors,

1. *Takes note with appreciation* of the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants,[17] and notes the recommended principles and guidelines on human rights at international borders prepared by the Office of the United Nations High Commissioner for Human Rights referenced therein;

2. *Calls upon* countries of origin, transit and destination to facilitate family reunification as an important objective in order to promote the welfare and the best interest of migrant children, including adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child[2] and the Optional Protocols thereto,[18] and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations[7] so that States may provide child-friendly consular assistance, as appropriate, including legal assistance;

3. *Underlines* that children, including adolescents, should not be subject to arbitrary arrest or detention based solely on their migration status and that the deprivation of liberty of migrant children and adolescents should be a measure of last resort, under conditions that respect the human rights of each child and in a manner that takes into account, as a primary consideration, the best interest of the child;

4. *Calls upon* States, in accordance with their national laws and their obligations under the relevant international instruments in this field, to promote and protect the rights of every child to be registered immediately after birth, to have a name from birth, to acquire a nationality and, as far as possible, to know and be

[17] A/69/277.

[18] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531, and resolution 66/138, annex.

cared for by his or her parents, in particular where the child would otherwise be stateless;

5. *Reaffirms* the need to effectively promote and protect the human rights and fundamental freedoms of all migrant children, including adolescents, regardless of their migration status, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of migrant children, including adolescents, and avoiding approaches that might aggravate their vulnerability;

6. *Calls upon* States, the international community and other relevant stakeholders to address the irregular migration of children, including adolescents, from a human rights and a humanitarian perspective, taking into account the principle of the best interest of the child while promoting and protecting their human rights and fundamental freedoms, and calls upon States parties to the Convention on the Rights of the Child to adopt measures to give effect to the rights enshrined therein;

7. *Urges* all States to intensify cooperation with relevant stakeholders in different areas in order to jointly identify positive alternatives to reduce, mitigate and eliminate the causes and structural factors that lead to irregular migration, so as to prevent minors from feeling compelled to migrate from their communities;

8. *Encourages* all States to address the irregular migration of children, including adolescents, as a multicausal phenomenon, giving priority at all times to the personal safety and physical, emotional and psychological integrity of migrant children, including adolescents, keeping in mind the different needs of boys and girls and adolescent women and men in these situations;

9. *Recognizes* the importance of coordinating efforts among countries of origin, transit and destination, while also recognizing their roles and their responsibilities to address the irregular migration of unaccompanied children, including adolescents, and to safeguard their human rights, with due consideration for the protection of the best interest of the child;

10. *Encourages* States to protect and provide assistance to migrant children, including adolescents, within their jurisdiction, including victims of national and transnational organized crime, including through the implementation of gender-responsive programmes and policies that provide for protection and access to medical, psychosocial and legal assistance, as necessary, and urges them to prosecute perpetrators and abusers;

11. *Recognizes* the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration of children, including adolescents, so as to ensure safe, orderly and regular migration, with full respect for human rights;

12. *Requests* States and all relevant stakeholders to strengthen cooperation mechanisms that foster joint cooperation, dialogue and consensus at all times in order to promote migration policies and practices based on respect for human rights, sustainable development, gender equality and multiculturalism, recognizing the interdependent roles of the international community, State institutions and civil society;

13. *Underlines* that the principle of the best interest of the child should guide legislation, policies and practices relating to children, regardless of their status, including in the context of migration, and calls upon States to carry out individualized, comprehensive assessments of the status and protection needs of migrant children, including adolescents, as well as to carry out early and prompt assessments of victims of violence who may qualify for refugee status or other forms of protection;

14. *Calls upon* States to recognize that human mobility has become an integral part of the current social, economic and environmental situation, recognizes, in the process of elaborating future sustainable development goals, the importance of considering the reality of migration and its multiple direct impacts on the development prospects of migrants, their families and communities and on the development of countries of origin and destination, and encourages the international community to work so that aspects related to children and to migration being considered in the elaboration of the post-2015 development agenda can also be applicable in the case of accompanied and unaccompanied migrant children;

15. *Encourages* States to establish effective safeguards, where applicable, between public service providers, such as providers of child services and other social services, and immigration enforcement authorities in order to better ensure the human rights of migrant children, including adolescents;

16. *Calls upon* States to strengthen their public policies and programmes, especially in the social and economic fields, aimed at the most vulnerable sectors of the population in order to help reduce irregular migration push factors, and in this regard calls upon States and all other relevant stakeholders to join these efforts in a systematic way, promoting investment and economic exchange, as well as cooperation, at all levels;

17. *Also calls upon* States to combat xenophobia, racism and discrimination of any kind against migrants, specifically children, including adolescents, and further calls upon States to take appropriate measures to prevent, investigate and punish all human rights violations and abuses experienced by migrants within their territory and to take appropriate steps to help facilitate such measures in response to abuses outside their territory, in cooperation with other States and all other relevant stakeholders, according to their international commitments and their national legislation;

18. *Requests* the Secretary-General to continue to report on the situation of accompanied and unaccompanied migrant children, including adolescents, and to include information on the implementation of the present resolution in his report on the protection of migrants requested for its seventieth session;

19. *Decides* to remain seized of the matter.

73rd plenary meeting
18 December 2014